

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO,

Plaintiff,

v.

LOS AMIGOS AUTHENTIC MEXICAN
FOOD, et al.,

Defendants.

Case No. 1:23-cv-01306-NODJ-SAB

ORDER RE STIPULATION SETTING
ASIDE DEFAULT AND EXTENDING
TIME FOR RESPONSIVE PLEADING TO
BE FILED

(ECF Nos. 7, 8, 14, 15)

Jose Escobedo (“Plaintiff”) filed this action alleging violation of the Americans with Disabilities Act against Los Amigos Authentic Mexican Food dba Los Amigos Mexican Restaurant; Michael Torcaso and Pamela Torcaso as trustees of the Torcaso Family Living Trust of 2020; and Mark Torcaso and Kathleen Torcaso as trustees of the Mark A. Torcaso and Kathleen J. Torcaso Family Trust dated June 13, 2005 (“Defendants”). (ECF No. 1.) No responsive pleading has been filed. On November 1, 2023, the Clerk of the Court entered default against Defendants Mark Torcaso and Kathleen J. Torcaso at Plaintiff’s request. (ECF Nos. 7, 8.) On December 11, 2023, a stipulation was filed to set aside the default against Defendants Mark Torcaso and Kathleen J. Torcaso and extend the time for all Defendants to respond to the complaint within 20 days of the Court’s order setting aside the default. (ECF No. 17.)¹ The

¹ The Court notes the Parties appear to have filed the stipulation and proposed order twice. (See ECF Nos. 14, 15.) The only notable difference between the two documents is that the proof of service in ECF No. 14 is unsigned

1 Court finds good cause exists to grant the stipulated relief.

2 Accordingly, pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that:

- 3 1. The default entered against Mark Torcaso and Kathleen J. Torcaso on November
4 1, 2023 (ECF No. 8), is SET ASIDE; and
5 2. All Defendants shall file a responsive pleading within **twenty (20) days** of the
6 date of this Order.

7
8 IT IS SO ORDERED.

9 Dated: **December 11, 2023**


UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

whereas the proof of service in ECF No. 15 is signed. The filings are substantively identical and are treated as one for purposes of setting aside the entry of default against Defendants Mark Torcaso and Kathleen J. Torcaso.